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Economic Affairs Interim Committee

66th Montana Legislature

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January 30, 2020

To: Economic Affairs Interim Committee
From: Jameson Walker, Legislative Attorney
Re: Administrative Rule Report, January 2020

The Economic Affairs Interim Committee (EAIC) is responsible for reviewing administrative rules promulgated by several state agencies for compliance with the Montana Administrative Procedure Act (MAPA).¹ The following notices are filed with the Secretary of State's Office for publication in the Montana Administrative Register (MAR). Notices are available at <http://www.mtrules.org> (search by notice number).

PROPOSAL NOTICES

Department of Agriculture and administratively attached entities

There are no pending rules.

Department of Commerce and administratively attached entities

There are no pending rules.

Department of Labor and Industry and administratively attached entities

MAR Notice Number: 24-138-77

Subject: Adoption and amendment of rules pertaining to the Board of Dentistry.

Summary: The department proposes to amend 24.138.206 (dental hygienist committee), 24.138.301 (definitions), 24.138.406 (functions for dental auxiliaries), 24.138.502 (initial licensure of dentists by examination), 24.138.503 (initial licensure of dental hygienists by examination), 24.138.2302 (unprofessional conduct for denturists). The department states that the amendments seek to minimize costs to licensees by removing required annual meetings by

¹ The Committee reviews rules promulgated by the following entities: Department of Agriculture, Department of Commerce, Department of Labor and Industry, Department of Livestock, State Auditor's Office, Division of Banking & Financial Institutions, Governor's Office of Economic Development, and Department of Revenue, Liquor Control Division. This report does not represent any action or opinion of the Committee and does not preclude additional action that may be taken by the Committee pursuant to its authority under the Montana Administrative Procedure Act, Title 2, chapter 4, MCA.

the Dental Hygienist Committee. The department states that the amendments also implement Senate Bill 157 relating to the dental assisting national board (DANB) and supervision of dental auxiliaries in addition to clarifying allowable and forbidden functions for DANB-certified assistants working under general supervision. The department proposes to adopt New Rule I (denturist scope of practice – dentures over implants). The rule would allow denturists to make and fit dentures over implants under certain conditions, including that the fitting was performed after a written referral from a Montana-licensed dentist. As explained by the department at the last EAIC meeting, this rule represents a compromise between the parties.

Notes/Hearing: The department will hold a hearing on February 7, 2020, to consider the notice.

MAR Notice Number: 24-155-8

Subject: Adoption and amendment of rules pertaining to the Board of Massage Therapy.

Summary: The department proposes to amend 24.155.608 (licensure of out-of-state applicants) and 24.155.901 (unprofessional conduct). The department states that the rule amendments are necessary to make the rules align with the department's standardized application procedures and facilitate effective and timely processing of applications. The department proposes to adopt New Rule I (records) and New Rule II (standards of practice and code of ethics). The department states that the new rules establish requirements for licensee record keeping to make for a more effective complaint processing process and provide licensee standards of practice and ethical guidelines to enhance the profession, and elevate public health, safety, and welfare.

Notes/Hearing: The department will hold a hearing on February 11, 2020, to consider the notice.

MAR Notice Number: 24-156-86

Subject: Adoption and amendment of rules pertaining to the Board of Medical Examiners.

Summary: The department proposes to amend 24.156.1304 and 24.156.1404 (application for licensure), 24.156.1623 (chart review), 24.156.2701 (definitions), 24.156.2711 (Emergency Care Provider ECP licensure qualifications), 24.156.2713 (ECP license application), 24.156.2718 (continuing education and refresher requirements), 24.156.2720 (ECP training courses), 24.156.2732 (medical direction), 24.156.2751 (levels of ECP licensure including endorsements), and 24.156.2771 (ECP scope of practice). The department states that the rules are generally necessary to provide consistency, simplicity, better organization, and ease of use for the reader and to update out-of-date processes with current standardized department procedures. The department also states that the rule amendments are necessary to implement Senate Bill 38, which generally revised emergency care provider laws and allowed emergency care providers to be involved in community-integrated health care services. The department proposes to adopt New Rule I (community-integrated health care endorsement).

Notes/Hearing: The department will hold a hearing on February 11, 2020, to consider the notice.

MAR Notice Number: 24-171-40

Subject: Amendment of rules pertaining to the Board of Outfitters.

Summary: The department proposes to amend 24.171.408 (outfitter records), 24.171.412 (safety and first aid provisions), 24.171.520 (operations plans and amendments), and 24.171.2301 (unprofessional conduct and misconduct). The department states that the amendments implement

Senate Bill 222, which revised the board's rulemaking authority and reporting requirements for certain private lands. Additionally, the department states that the amendments are necessary to include the use of marijuana and marijuana derivatives in the rule pertaining to unprofessional conduct. The board states that the rule amendment is necessary due to anecdotal reports that outfitters and guides are performing services for clients while impaired by marijuana.

Notes/Hearing: The department will hold a hearing on February 11, 2020, to consider the notice.

Department of Revenue, Liquor Control Division

There are no pending rules.

Department of Livestock and administratively attached entities

There are no pending rules.

State Auditor's Office

There are no pending rules.

Division of Banking & Financial Institutions

There are no pending rules.

Governor's Office of Economic Development

There are no pending rules.

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